

ENROLLED ACT NO. 48, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2022 BUDGET SESSION

AN ACT relating to higher education; creating the Wyoming's tomorrow scholarship program; providing eligibility requirements; authorizing administration and rulemaking; creating an account and a permanent fund; requiring reports; providing for a continuous appropriation; amending a provision regarding permanent funds of the state; making conforming amendments; providing for a transfer of funds; specifying applicability; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 21-16-1901 through 21-16-1907 are created to read:

ARTICLE 19

WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

**21-16-1901. Definitions.**

(a) As used in this article:

(i) "Academic term" means the fall semester or term or the spring semester or term. In this article, "semester" and "term" have the same meaning except that recipients may elect to use the scholarship for a summer term or January term or any other term besides the fall semester or spring semester that the eligible institution designates, which counts toward the maximum number of terms for which a student is eligible but does not count toward computation of an academic year;

(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time in which a

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full-time student is expected to complete the equivalent of at least two (2) academic terms of academic work;

(iii) "Certificate" means a credential other than a degree and indicates satisfactory completion of training in an academic year program of study offered by an eligible institution including non-credit industry recognized credentials that meet eligibility requirements of the Wyoming works program under W.S. 21-18-403;

(iv) "Commission" means the Wyoming community college commission;

(v) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and supplies, travel and personal expenses to attend an eligible institution;

(vi) "Degree" means a baccalaureate or an associate degree other than a certificate;

(vii) "Eligible institution" means the University of Wyoming or a Wyoming community college;

(viii) "Equivalent of a full-time semester" means twelve (12) semester hours in a semester;

(ix) "Semester hour" means each semester hour or clock hour as defined by commission rule attempted for credit or eligible Wyoming works program non-credit degree or certificate;

(x) "Title IV" means Title IV of the federal Higher Education Act of 1965, as amended;

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(xi) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student as determined by the eligible institution. "Unmet financial need" shall not include any loans a student may be eligible to receive.

**21-16-1902. Wyoming's tomorrow scholarship expenditure account created; use and appropriation of funds; calculation of annual average market value.**

(a) Except as otherwise provided by law, the Wyoming's tomorrow scholarship expenditure account is created to consist of all earnings from the Wyoming's tomorrow scholarship endowment fund created by W.S. 9-4-204(u)(ix) and other funds appropriated by the legislature to the expenditure account. Funds within the expenditure account may be invested as authorized by law. Interest and other earnings from amounts within the expenditure account shall be credited to the expenditure account. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded by the commission under this article, subject to limitations provided for under subsection (b) of this section. As soon as possible after the end of each of the fiscal years beginning on and after July 1, 2022, the state treasurer shall transfer monies from the expenditure account to the Wyoming's tomorrow scholarship endowment fund to the extent monies within the expenditure account are in excess of an amount equal to nine percent (9%) of the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year, except as provided

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for under subsection (c) of this section. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the expenditure account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

(b) Scholarships awarded under W.S. 21-16-1904 and expended from the Wyoming's tomorrow scholarship expenditure account shall be limited in accordance with the following:

(i) For the first academic year scholarships are awarded, expenditures shall not exceed two and one-half percent (2.5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section;

(ii) For the second academic year and each academic year thereafter scholarships are awarded, expenditures shall not exceed five percent (5%) of the applicable fiscal year's average market value of the Wyoming's tomorrow scholarship endowment fund calculated in accordance with subsection (c) of this section.

(c) The annual average market value of the Wyoming's tomorrow scholarship endowment fund shall be calculated as follows for the fiscal year (FY) specified:

(i) FY 2023 shall be equal to the market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

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(ii) FY 2024 shall be equal to the previous two (2) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iii) FY 2025 shall be equal to the previous three (3) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(iv) FY 2026 shall be equal to the previous four (4) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year;

(v) FY 2027 and each fiscal year thereafter, shall be equal to the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year.

**21-16-1903. Wyoming's tomorrow scholarship program; eligibility requirements.**

(a) There is created the Wyoming's tomorrow scholarship program.

(b) Under the Wyoming's tomorrow scholarship program, subject to W.S. 21-16-1905(b) and availability of funds as determined by the legislature, the commission may award a scholarship pursuant to W.S. 21-16-1904 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

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(i) The student has demonstrated Wyoming residency for not less than one (1) year immediately preceding application or not less than a total of three (3) years at any time prior to application;

(ii) The student is twenty-four (24) years of age or older;

(iii) The student has completed and filed a free application for federal student aid for the academic year for which the student is applying for a scholarship and has unmet financial need;

(iv) The student agrees to register with the department of workforce services for applicable training assistance, as defined by rule of the commission required under W.S. 21-16-1905(b).

(c) A student is not eligible for a scholarship under this article if the student:

(i) Is currently receiving a scholarship under the Hathaway scholarship program established under W.S. 21-16-1301 et seq.;

(ii) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements or requirements of a subsequent similar federal enactment;

(iii) Owes a refund under a federal Title IV student financial aid program or a subsequently enacted similar federal student financial aid program, or a student financial aid program administered through the state;

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(iv) Is incarcerated; or

(v) Previously received a scholarship under this article for the maximum of the equivalent of four (4) full-time academic terms or a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

**21-16-1904. Wyoming's tomorrow scholarships.**

(a) Any student who meets the criteria under W.S. 21-16-1903 may be eligible to receive a Wyoming's tomorrow scholarship to pursue a degree or certificate for:

(i) Not more than one hundred and fifty dollars (\$150.00) per semester hour and not more than one thousand eight hundred dollars (\$1,800.00) per academic term for unmet financial need at an eligible institution if enrolled for twelve (12) or more semester hours in the academic term;

(ii) The amount provided for the academic term under paragraph (i) of this subsection times a fraction in which the numerator is the number of semester hours in which the student is enrolled in for the academic term and the denominator is twelve (12).

(b) Scholarships under this section shall be for a maximum of the equivalent of four (4) full-time academic terms. No student shall receive more than a total of seven thousand two hundred dollars (\$7,200.00) in scholarships for unmet financial need under this article.

(c) To remain eligible for the scholarship under this section, the student shall:

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(i) Make satisfactory academic progress toward a degree or certificate by completing at least two-thirds (2/3) of attempted semester hours in any academic term;

(ii) Maintain a cumulative grade point average of at least 2.0 as evaluated at the end of each spring academic term;

(iii) Meet other criteria as established by the eligible institution to ensure the student earns a degree or certificate in a timely manner;

(iv) Maintain continuous enrollment for not less than two (2) academic terms in each successive academic year. The commission may grant waivers to the requirement of this subparagraph for military service, religious service and other good cause shown pursuant to commission rule.

(d) A student receiving a Wyoming's tomorrow scholarship who fails to meet the requirements of subsection (c) of this section shall be ineligible to receive another scholarship under this article.

**21-16-1905. Administration; rules and regulations.**

(a) This article shall be administered by the commission in consultation with the University of Wyoming in accordance with the following:

(i) Students may apply for scholarships under this article with the eligible institution at the time of applying for admission or in any event before the beginning of the academic term at the eligible institution. The



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application shall contain information as required by rule of the commission;

(ii) Each eligible institution receiving an application from a student applying for a Wyoming's tomorrow scholarship shall preliminarily determine the student's eligibility for the scholarship. Each eligible institution shall certify to the commission by dates prescribed by rule, a list of students who qualify for a scholarship under this article;

(iii) The commission shall establish by rule procedures and criteria for the application, notification of students and the award of scholarships in accordance with this article. The rules adopted by the commission shall ensure students receive notice of a scholarship award in a timely manner to ensure students are able to make informed decisions about the financial obligations associated with attendance at an eligible institution;

(iv) If the market value of the Wyoming's tomorrow scholarship endowment fund has once exceeded fifty million dollars (\$50,000,000.00) and funds are available within the Wyoming's tomorrow scholarship expenditure account, the state treasurer shall pay from the Wyoming's tomorrow scholarship expenditure account amounts necessary for all awarded scholarships as reported by the commission. For each subsequent semester, the commission shall determine and certify to the state treasurer the amount that is equal to seventy-five percent (75%) of the total amount the eligible institution received during the preceding semester under this subsection. Not later than thirty (30) days after the commission has certified participation and notified the state treasurer, the state treasurer shall pay from the expenditure account the amount

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certified. The commission shall review the lists provided under paragraph (ii) of this subsection, determine whether there is any duplication of students, and determine and certify to the state treasurer the balance of the amount due under this article to each institution for the semester. For any duplication, the commission shall determine whether the student is attending more than one (1) eligible institution. If the student is attending multiple eligible institutions, payment of the Wyoming's tomorrow scholarship for which the student qualifies shall be made only to the institution designated as the home institution by the commission. The state treasurer shall pay from the expenditure account the balance of the amount due not later than seventy-five (75) days after the institution's semester has commenced. Payments to the university shall be made directly to the university. Payments to the community colleges shall be made directly to each college and be reported by the state treasurer to the commission. Should a prepayment under this paragraph exceed the amount actually due to the institution for any semester, the excess amount shall be calculated by the university and commission and deducted from the next payment made under this paragraph.

(b) The commission shall promulgate rules necessary to implement this article in consultation with the University of Wyoming, the department of workforce services, the Wyoming business council and other stakeholders, including industry representatives. The rules shall provide for a preference to award scholarships which considers workforce shortages and economic development needs of the communities, regions and the state. First preference shall be given to students who received a scholarship under this article in the immediately preceding academic term and remain eligible to receive a scholarship

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under W.S. 21-16-1904(c). Second preference shall be given to students who have secured an industry sponsorship. Preference may be given to students based on the length of their Wyoming residency. Preference may be given to students without a degree.

(c) The commission shall establish annual reporting procedures for purposes of policy analysis and program evaluation and providing accurate data to the legislature and governor relative to the program's impact on the state and on students. The report shall include information about how the commission awarded scholarships, the amount each eligible institution received, the number of applicants at each eligible institution and the number of students that received scholarships under this article at each eligible institution. The report shall also include the number and type of degrees or certificates awarded to scholarship recipients. The commission shall submit the annual report to the governor and the legislature in accordance with W.S. 9-2-1014.

(d) The department of audit may conduct an audit at any time of the commission or any eligible institution participating in the scholarship program under this article to determine compliance with any provision of this article.

**21-16-1906. Additional funding considerations.**

The commission shall limit the number and amount of scholarships awarded under this article so that the expected expenditures do not exceed the projected funding available considering the total duration of the awards. To the extent sufficient funds are not available in the Wyoming's tomorrow scholarship expenditure account to fund all scholarships awarded by the commission under this

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article, the payment to the eligible institutions shall be reduced on a first come first served basis using the student's application date for the scholarship.

**21-16-1907. Legislative oversight and authority.**

Nothing in this article shall be construed to constitute an entitlement to a scholarship established and funded by the legislature. Wyoming's tomorrow scholarships shall be subject to legislative appropriation and the legislature reserves the right to modify or terminate the program established under this article at any time.

**Section 2.** W.S. 9-4-204(u) by creating a new paragraph (ix), 9-4-714(a)(v) and 21-16-1303(e)(vi), (vii) and by creating a new paragraph (viii) are amended to read:

**9-4-204. Funds established; use thereof.**

(u) Other funds defined as follows shall be classified by the state auditor pursuant to subsections (s) and (t) of this section:

(ix) Wyoming's tomorrow scholarship endowment fund - to consist of funds appropriated or designated to the fund by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20, monies within the fund shall not be expended and may be invested in the same manner as other permanent funds of the state. Except as otherwise provided under this paragraph, earnings from investment of monies within the endowment fund shall be credited to the endowment fund. Upon the endowment fund reaching a balance of fifty million dollars (\$50,000,000.00), earnings from the investment of monies within this fund shall be credited to the Wyoming's

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tomorrow scholarship expenditure account as created by W.S. 21-16-1902.

**9-4-714. Definitions.**

(a) As used in this act:

(v) "Permanent funds" means the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the excellence in higher education endowment fund under W.S. 9-4-204(u)(vi), the Hathaway student scholarship endowment fund under W.S. 9-4-204(u)(vii), ~~and~~ the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii) and the Wyoming's tomorrow scholarship endowment fund under W.S. 9-4-204(u)(ix);

**21-16-1303. Hathaway scholarship program; eligibility requirements.**

(e) A student is not eligible for a scholarship under this article if he:

(vi) Has been convicted of a felony in this state or another jurisdiction and has not been granted an exception by the department of education as provided for in W.S. 21-16-1308(b)(v); ~~or~~

(vii) Does not otherwise qualify under this article for a scholarship; ~~or~~

(viii) Is currently receiving a scholarship under the Wyoming's tomorrow scholarship program established under W.S. 21-16-1901 et seq.

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**Section 3.** No scholarship shall be awarded under the Wyoming's tomorrow scholarship program until the market value of the Wyoming's tomorrow scholarship endowment fund, as created by this act, reaches a minimum of fifty million dollars (\$50,000,000.00).

**Section 4.** On July 1, 2023, the state auditor shall transfer ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account to the Wyoming's tomorrow endowment fund, which fund is created by this act.

**Section 5.** This act is effective July 1, 2022.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk